

REMARKS

As suggested by the examiner, the claims 1 and 4 are amended to “consisting essentially of” as opposed to “comprising.” In addition, several suggestions made by the examiner during the interview on 7/17/02 are followed in this amendment, including inserting “non-endocrine disrupting” into the claims where necessary and additions to the IDS are made as described both in Margaret Schlumpf’s article and the specific website addressing referencing on how one “skilled in the art” could determine the presence of endocrine disruptors. Furthermore, other interview suggestions followed in this amendment include clarifying sun-block claim language and removing the words “preferred.” Finally, the novelty of the invention lies in both the presence of an emollient that is non-endocrine disrupting such as cytoprotective “cold pressed” aloe and the absence of any and all endocrine disrupting agents. Both of these characteristics are absent in the cited patents 5,980,871 and 5,972,362 and 5,824,659. These amendments now correct the rejections of claims 7 and 26 under 35 U.S.C. §112, rejections of claims 1, 4-6, and 8-10 under 35 U.S.C. §102(b), and rejections of claims 2, 3, and 25 under 35 U.S.C. § 103(a).

Claim 7 is amended to reflect the particle size mentioned in the specification regarding an inorganic sun-block agent such as titanium dioxide. Claims 26 through 48 have been cancelled and Claims 12-24 and 27 are withdrawn.

Appl. No. 09/682,249
Amdt. dated Jan. 28, 2004
Reply to Office Action _____ and Preliminary Amendment to RCE

This preliminary amendment is respectfully submitted along with the Request for Continued Examination. The amendment should now place the application in condition for allowance and passage to a notice of allowance is earnestly solicited.

Dated this 28th day of January,
2004

Respectfully Submitted,

By:


Guerry L. Grune
Reg. No. 46,745
ePatent Manager
784 Villier Ct.
Virginia Beach, VA 23452